

United States Court of Appeals

FIFTH CIRCUIT
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CHARLES R. FULBRUGE III
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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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NEW ORLEANS, LA 70139
DEPUTY

November 10, 2009

Mr. William Putnicki
Western District of Texas, El Paso
United States District Court
511 E. San Antonio Street
Room 108
El Paso, TX 79901-0000

No. 09-50654, Eduardo Caro v. Penske Truck Leasing Company
USDC No. 3:08-CV-180

Enclosed is a copy of the judgment issued as the mandate.

CHARLES R. FULBRUGE III, Clerk

By: *Madeline Chigoy*
Madeline K. Chigoy, Deputy Clerk
504-310-7691

cc: w/encl:

Mr. Enrique Chavez Jr.
Ms. Jeanne Cezanne Collins
Mr. Eduardo Flores Cuaderes Jr.
Mr. Gustava Edel Cuadra
Mr. Jeremy Wayne Hawpe
Mr. John P Mobbs

MDT-1

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 09-50654

EDUARDO CARO,

Plaintiff - Appellee

v.

PENSKE TRUCK LEASING COMPANY LIMITED PARTNERSHIP,

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, El Paso

Pursuant to appellant's motion this appeal is dismissed this 11/10/09,
see FED. R. APP. P. 42(b).

Clerk of the United States Court
of Appeals for the Fifth Circuit

By: _____

Madeline K. Chigoy, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

DIS4

10 NOV 2009
Clerk
Oct. 11. 2009
By: Madeline Chigoy
Deputy
Clerk of the U.S. Court of Appeals for the Fifth Circuit

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

U. S. COURT OF APPEALS

FILED

Case No. 09-50654

NOV 06 2009

EDUARDO CARO,

CHARLES R. FULBRUGE III
CLERK

Plaintiff - Appellee,

v.

PENSKE LOGISTICS, LLC,

Defendant - Appellant.

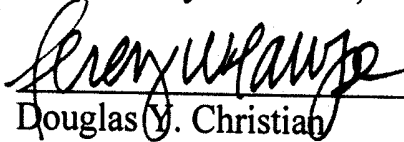
**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

MOTION TO DISMISS

Pursuant to Federal Rule of Appellate Procedure 42 Appellant Penske Logistics, LLC files this Joint Motion to Dismiss and in support thereof, state that all matters in controversy between the parties in the above-referenced cause have been fully and finally resolved.

WHEREFORE, Appellant Penske Logistics, LLC requests that the appeal be dismissed in its entirety with each party to bear their costs of Court.

Respectfully submitted,



Douglas Y. Christian

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**COUNSEL FOR APPELLANT
PENSKE LOGISTICS, LLC**

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Appellant has conferred with counsel for Appellee, who states that he does not oppose this motion.



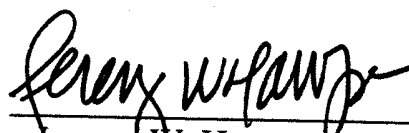
Jeremy W. Hawpe

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been sent by Federal Express, on this 5th day of November 2009, to the following:

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Jeremy W. Hawpe

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Air Mail 10 NOV 2009
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Clk. U. S. Court of Appeals, 5th Circuit
By Madeleine Chavez
Deputy
New Orleans, Louisiana